



U.S. Department of Justice

United States Attorney
Eastern District of New York

JJD:RAT
F#2015R00098

United States Attorney's Office
610 Federal Plaza
Central Islip, New York 11722-4454

May 12, 2015

By Hand and By ECF
The Honorable Joseph F. Bianco
United States District Judge
United States District Court
Eastern District of New York
1040 Federal Plaza
Central Islip, New York 11722

Re: United States v. Sergio Cerna
Criminal Docket No. 15-087 (JFB)

Dear Judge Bianco:

The government writes to request that the Court issue the enclosed protective order, attached hereto as Exhibit 1, regarding the Federal Rule 16 discovery that will be provided for during the prosecution of the defendant Sergio Cerna (the "Rule 16 Material").

I. Protective Order

Pursuant to Federal Rule of Criminal Procedure 16(d)(1), the government hereby moves the Court to issue a protective order directing that defense counsel, or anyone acting under the direction of defense counsel, not reproduce, distribute or otherwise disseminate the Rule 16 Material to be provided during the prosecution of the defendant, and that any Rule 16 Material provided to the defendant at the Nassau County Correctional Center be returned or destroyed at the conclusion of the case.

As the Court is aware, the defendant is alleged to be a member of La Mara Salvatrucha ("MS-13") street gang. The Rule 16 Material in this case will reveal, inter alia, that several former members and associates of the MS-13, as well as civilian witnesses,

have cooperated with law enforcement authorities. Given that the MS-13 street gang is a violent criminal organization that has repeatedly murdered, assaulted and threatened members and associates believed to be cooperating with law enforcement authorities, any inappropriate disclosure of the Rule 16 material in this case will undoubtedly endanger the government witnesses and their families. Moreover, as the evidence at trial will establish that members of the MS-13 members have attempted to subvert the justice process in the past through witness tampering and witness retaliation. As such, the government submits that the attached protective order is a necessary precaution.

The government has discussed the proposed protective order with counsel for the defendant, and counsel consents to the proposed order.

Respectfully submitted,

KELLY T. CURRIE
Acting United States Attorney

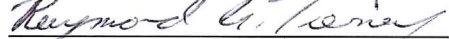
By: 
Raymond A. Tierney
John J. Durham
Assistant U.S. Attorneys
(631) 715-7849/7851

Exhibit 1

cc: Joseph Ferrante, Esq. (By email and ECF)
Clerk of the Court (JFB) (By Hand and ECF)

EXHIBIT 1
(Protective Order)

JJD:RAT
F.#2015R00098

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

O R D E R

- against -

15-CR-087 (JFB)

SERGIO CERNA,
also known as "Taz" and
"Lechon,"

Defendant.

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Upon the application of KELLY T. CURRIE, Acting United States Attorney for the Eastern District of New York, by Assistant United States Attorneys JOHN J. DURHAM and RAYMOND A. TIERNEY, it is hereby:

ORDERED that the defendant, counsel for the defendant, or anyone acting under the direction of defense counsel, may not reproduce, distribute or otherwise disseminate the Rule 16 Materials, which have been and will be provided in connection with the case;

ORDERED that nothing in this Order shall prohibit: (a) defense counsel from reproducing and sharing the Rule 16 Materials with the defendant or others acting under the direction of defense counsel; or (b) defense counsel, or others acting under the direction of defense counsel, from displaying or discussing the content of such Rule 16 Materials, with other persons; provided however, that

the restrictions set forth in this Order shall apply to those individuals acting under the direction of defense counsel; and

ORDERED that any copies of the Rule 16 Materials provided by defense counsel to the defendant at the Nassau County Correctional Center, or any other facility, shall be returned to defense counsel and either returned to the government or destroyed at the conclusion of the case.

Dated: Central Islip, New York
May ____, 2015

THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK